

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-031021-001 DT

08/20/2014

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
A. Gonzalez  
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

JODI ANN ARIAS  
P458434 FOURTH AVE JAIL  
201 S 4TH AVE  
PHOENIX AZ 85003  
JENNIFER L WILLMOTT  
KIRK NURMI

CAPITAL CASE MANAGER  
INMATE LEGAL SERVICES

PENALTY PHASE RESET / CAPITAL CASE

COURTROOM – SCT 5C

8:32 a.m. This is the time for Evidentiary Hearing re: Ms. Arias's Motion to Continue Penalty Trial.

State's Attorney:	Juan M. Martinez
Defendant <i>Pro Se</i> :	Defendant, Pro Se
Defendant's Advisory:	Kirk Nurmi, Jennifer L. Willmott
Court Reporter:	Mike Babicky

Proceedings are also electronically recorded.

8:34 a.m. The Courtroom is cleared of persons not directly associated with these proceedings.

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IT IS ORDERED that the For the Record remaining portion of these proceedings shall be sealed and not provided to any person or transcribed absent further Order of the Court.

IT IS FURTHER ORDERED that Court Reporter, Mike Babicky shall seal his notes as to this portion of the proceedings; not to be made available for the public or persons other than: counsel associated with this case, or any higher Court that may request it; absent further order of the Court.

Ms. Arias' expert appears telephonically and is questioned by Ms. Arias, Mr. Martinez and the Court. This expert does not anticipate authoring a report in this case.

LET THE RECORD REFLECT the State's experts for the penalty phase are set forth on the record.

The State requests the addresses of the civilian witnesses disclosed by the Defendant and that interviews of those witnesses be scheduled September 5, 6 and/or 7, 2014.

Defendant advises that the witnesses have asked that their addresses not be given to the State; and that contact between the State and Defendant's witnesses go through defendant's advisory counsel.

IT IS SO ORDERED. Defendant is directed that the State must have a mechanism for contacting Defendant's disclosed witnesses and that those witnesses shall submit to an interview by the prosecutor prior to trial.

The Court will look into where the interviews will be conducted, either at the Courthouse or at the Estrella Jail.

IT IS ORDERED setting the next Capital Case Management Conference and hearing on pending motions for SEPTEMBER 4, 2014 at 8:30 a.m. in this division.

The State has no objection to Defendant's Motion to Continue, so long as firm dates and times are established for interviewing Defendant's expert and for her civilian witnesses.

IT IS ORDERED setting a date and time certain for interview by the State of Defendant's expert – SEPTEMBER 2, 2014 at 9:00 a.m., in Arizona. Specific location to be determined.

There being no objection by the State and for the reasons articulated on the record this morning as well as issues discussed in an *ex parte* proceeding,

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THE COURT FINDS extraordinary circumstances exist warranting a delay and that delay is in the interest of justice. Accordingly,

IT IS ORDERED vacating the September 8 re-trial of the Penalty Phase of this Capital Case and resetting same for SEPTEMBER 29, 2014 at 8:30 a.m., 16 days allotted. Jury selection will consist of three panels of 100 jurors, appearing at 8:30 a.m., 10:30 a.m. and 1:30 p.m. on September 29. Those available/not excused will complete the Questionnaire; the Questionnaires will be copied and provided to counsel/Defendant.

Division staff will re-send the Questionnaire via Email to counsel.

Defendant requests that the State set a date and time certain for her Investigator to observe the crime scene. The Prosecutor will contact his case agent immediately following this hearing to schedule a date and time certain, on or before August 28, as requested by Defendant.

Prior custody orders are affirmed.

9:04 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.